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6 Attorney for Defendant
7 Ethan Andrew Evans Tindukasiri

8 IN THE UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ETHAN ANDREW EVANS TINDUKASIRI,

15 Defendant.

CASE NO. 1:22-MJ-00117-SAB
1:22-MJ-00114-SAB

RULE 43 WAIVER OF DEFENDANT'S
PRESENCE REQUEST; FINDINGS AND ORDER

DATE: January 26, 2024

TIME: 2:00 p.m.

COURT: Hon. Barbara A. McAuliffe

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17 This case was set for a preliminary hearing on December 1, 2023. The parties agreed and
18 stipulated to continue the preliminary hearing until January 26, 2024 at 2:00 p.m. before the duty
19 magistrate. Defense counsel has continued to be engaged in discussions and further investigation with
20 the government. Now a resolution has been agreed upon by the parties. However, the parties agree that
21 extra time is needed to solidify the details of the Deferred Prosecution Agreement as well as to write and
22 file an Information so the matter may be put on calendar in front of a United States District Court Judge.

23 The Court agreed with the continued Preliminary Hearing to January 26, 2024. The parties intend
24 on appearing in Court as previously scheduled with the intention of answering any questions the Court
25 may have about the Deferred Prosecution Agreement. Mr. Tindukasiri lives in Southern California and
26 must have a parent bring him to Court if his presence is required. Because a resolution has been reached
27 in concept, Mr. Tindukasiri requests the Court grant a Rule 43 Waiver of his personal appearance.

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Rule 43 Waiver of Defendant's Presence

Pursuant to Rule 43 of the Federal Rules of Criminal Procedure, the defendant, Ethan Andrew Evans Ethan Andrew Evans Tindukasiri, hereby waives the right to be present in person in open Court at the Status Conference on January 26, 2024 at 2:00 pm.

Mr. Tindukasiri hereby requests the Court to proceed during every absence of him which the Court may permit pursuant to this waiver; and agrees that his interests will be deemed represented at all times by the presence of his attorney, the same as if the defendant were personally present; and further agrees to be present in court ready for trial or any other proceeding on any day and hour the Court may fix in his absence.

Defendant further acknowledges that he has been informed of his rights under Title 18 U.S.C. §§ 3161-3174 (Speedy Trial Act), and authorizes his attorney to set times and delays under that Act without Defendant being present.

/s/ ETHAN ANDREW EVANS
TINDUKASIRI
ETHAN ANDREW EVANS
TINDUKASIRI, Defendant

Dated: September 20, 2023

/s/ CAROL ANN MOSES
CAROL ANN MOSES
Counsel for Defendant
ETHAN ANDREW EVANS
TINDUKASIRI

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED: Defendant Ethan Andrew Evans Tindukasiri need not be personally present at the Status Conference January 26, 2024 at 2:00pm. This Court finds Mr. Tindukasiri's interests will be deemed represented by his attorney of record in Case No. 1:22-MJ-00117 and 1:22-MJ-00114.

IT IS SO ORDERED.

Dated: **January 26, 2024**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE